THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :14840 of 2006

DATED:05-02-2007

M.Yellareddy.

.....
PETITIONER

AND

The Superintendent of police,
Karimnagar,
Karimnagar District & another.

.....RESPONDENTS

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ORDER:

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Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent-Superintendent of Police, Karimnagar, in not taking any action against the 2nd respondent on the basis of the enquiry conducted against him and leaving scot-free *in spite* of repeated oral representations of the residents of Husnabad including the petitioner and the consequent high handed action of the 2nd respondent in threatening the persons who gave statements against him day-in and day-out and interfering with their personal liberty, as illegal and arbitrary.

3. The 1st respondent filed a counter stating that during the MPTC elections conducted on 28-06-2006 elaborate bandobast arrangements were made at all the polling stations to avert any untoward law & order problem and prohibitory orders under Section 30 of Police Act were in force. The 2nd respondent along with the A.P.S.P, 4 th Bn 'C' coy personnel HC 375 G, and six constables who were deputed on 'striking force' duty patrolled the villages, Husnabad, Potlapalli, Pandilla,

Bnanjarupalli, Regonda, Govardhanagiri, and Kuchanpalli. It is stated that it was noticed about the gathering of one thousand persons of all age groups belonging to different political parties unlawfully within a distance of 20-30 meters from the polling stations, in violation of model code of conduct, and the 2nd respondent approached the mob and requested them to leave the place, as they are violating the model code of conduct by gathering near polling stations and forming themselves into an unlawful assembly. *In spite* of repeated requests the political activities defied the request of the 2nd respondent and therefore there was no other option except to resort lathi charge for two-three minutes to disperse the unruly/unlawful mob of about one thousand members. It is stated that the enquiry revealed that the political parties unlawfully assembled within the radius of 30 meters from the polling stations and in view of the situation prevailed at that time, the 2nd respondent opted for mild lathi charge after his repeated requests and warnings to the crowd for leaving the place went futile. On enquiry nobody told against the illegal action of the 2nd respondent. It is stated that the 2nd respondent has discharged his lawful duty and he has not exceeded any of his duties. He has discharged his duties with utmost sincerity and to the satisfaction of the superior officers and he never committed any illegal acts.

4. In view of the aforesaid facts and circumstances, I

do not see any merits in any of the allegations made in the writ petition, and the Writ Petition is accordingly dismissed. No order as to costs.

V.ESWARAIAH,J

05th February, 2007.
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